

Response Under 37 C.F.R. §1.111
Serial No. 10/820,697
Attorney Docket No. 042326

REMARKS

Claims 1 and 2 are pending.

Claim Rejections

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Funahashi* (U.S. Patent 3,812,782); and claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Weihrauch* (U.S. Patent 5,779,610). Favorable reconsideration is now requested.

Claim 1 recites a sticking roller for sticking a label to an adherend. The sticking roller comprises a shaft-shaped roller body and an elastic member which is fitted on the outer circumference of the roller body. The elastic member contacts with a non-adhesive face of the label. The roller body has a fitting part for fitting the elastic member on the outer circumferential surface. The elastic member is fitted in the fitting part so that the top surface of the elastic member is arranged above the outer circumferential surface of the roller body.

Claim 2 recites that the adherend is an information recording board having a nearly doughnut shape in a plan view. The elastic member is formed into a nearly doughnut shape corresponding to the plan shape of the information recording board. The fitting part has stepped portions along an inner circumferential edge and an outer circumferential edge of the elastic member. The stepped portions regulate a deformation or shift of the elastic member in its surface direction when a sticking force is applied to the label on the surface of the elastic member.

A. Rejection Based on *Funahashi*

Funahashi discloses an ink roller for inking a printing surface in a printer. The roller comprises a shaft with an inner cylindrical member formed around the shaft and made of synthetic resin. There is an outer cylindrical member formed around the inner cylindrical member. The outer cylindrical member is made of a sponge rubber. In one embodiment of *Funahashi*, the inner and outer cylindrical members are formed in partitions that are joined together to make the complete roller.

Applicants respectfully submit that *Funahashi* does not disclose “said roller body having a fitting part for fitting the elastic member on the outer circumferential surface” as recited in claim 1.

One embodiment of *Funahashi* discloses an ink roller made of one or more cylindrical units. The cylindrical units are formed on the roller body and separated by partitions. The partitions merely separate the inner and outer cylindrical members into separate cylindrical units. The actual roller body of *Funahashi* does not have a fitting part for fitting the elastic member. Therefore, *Funahashi* does not disclose the elements as recited in claim 1.

Applicants also respectfully submit that *Funahashi* does not disclose “said elastic member being formed into a nearly doughnut shape corresponding to the **plan shape** of said information recording board” as recited in claim 2 (emphasis added).

The outer cylindrical member of *Funahashi*, cited as the elastic member by the Examiner (Office Action, page 2), completely covers the outer circumferential surface of the roller except

where the partitions separate the cylindrical units. The Examiner cites Figs. 8 and 10 of *Funahashi* (side views of the ink roller) as disclosing a doughnut shape. However, the doughnut shape recited in claim 2 refers to the circumferential surface (“plan shape”) of the roller. (See Figs. 5(A)-(C) of the present application.) *Funahashi* does not disclose a doughnut shape corresponding to the plan shape of the information recording board. Therefore, *Funahashi* does not disclose the elements as recited in claim 2.

Accordingly, withdrawal of the rejection of claims 1 and 2 based on *Funahashi* is hereby solicited.

B. Rejection Based on *Weihrauch*

Weihrauch discloses a paint roller. The paint roller has a carrying body and an outer plush covering. A tubular sleeve with a plurality of radial openings is fitted over the plush covering. This forms a paint roller with a height-profiled surface.

Applicants respectfully submit that *Weihrauch* does not disclose “an elastic member fitted on the outer circumference of said roller body and contacts with a non-adhesive face of said label” as recited in claim 1.

The Examiner stated that the height-profiled portions of the plush covering (12) in *Weihrauch* is the elastic member of claim 1, that the plush covering is fitted on the outer circumference of the roller body, and that the tubular sleeve (20) is the fitting part. (Office Action, page 3).

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The plush covering formed for applying paint is not an elastic member. (*Weihrauch*, col. 3, lines 39-41). Plush material for applying paint is in the form of many small strands forming a brush.

Furthermore, the tubular sleeve is not a fitting part. The plush covering is not fitted to the paint roller by the tubular sleeve. The plush covering slides over the carrying body and stays in place. The tubular sleeve only provides a height profile to the plush covering.

Therefore, *Weihrauch* does not disclose the elements as recited in claim 1.

Accordingly, withdrawal of the rejection of claim 1 based on *Weihrauch* is hereby solicited.

In view of the remarks, Applicants submit that that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'A. G. Melick', written in a cursive style.

Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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